

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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PRABIR DHAR,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF  
TRANSPORTATION, et. al,

Defendants.  
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MEMORANDUM AND ORDER

10-cv-05681 (ENV) (VVP)

VITALIANO, D.J.

*Pro se* plaintiff Prabir Dhar has moved for a temporary restraining order or other injunctive relief in the above-captioned matter. Dhar asks the Court to enjoin a disciplinary action against him by his employer, defendant New York City Department of Transportation, including a recommended five-day suspension without pay.

In the Second Circuit, the standard for granting a TRO is well established. A party must demonstrate “(1) irreparable harm in the absence of the injunction and (2) either (a) a likelihood of success on the merits or (b) sufficiently serious questions going to the merits to make them a fair grounds for litigation and a balance of hardships tipping decidedly in the movant’s favor.” *MyWebGrocer, L.L.C. v. Hometown Info., Inc.*, 375 F.3d 190, 192 (2d Cir. 2004). Dhar submits a number of exhibits to the Court, including several documents already filed in connection with the parties’ pending summary judgment motions, none of which demonstrate Dhar’s entitlement to relief. In particular, the unsworn letter that Dhar submits, purportedly from a psychologist, stating that his “mental injuries” are “Irreparable,” and that he is “at imminent adverse mental condition,” is irrelevant under the standard for issuance of a TRO. Because Dhar has neither demonstrated a likelihood

of success on the merits or sufficiently serious questions going to the merits, nor made a showing of immediate or irreparable harm, the motion is denied.<sup>1</sup>

**SO ORDERED.**

**Dated: Brooklyn, New York  
October 4, 2013**

/S/ Eric N. Vitaliano

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**ERIC N. VITALIANO**  
**United States District Judge**

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<sup>1</sup> Dhar also alleges that defendant has violated Magistrate Judge Pohorelsky's 12/16/11 protective order. The Court sees no evidence of such a violation.